

ELLEN F. ROSENBLUM
Attorney General
JAMES S. SMITH #840932
SHANNON M. VINCENT #054700
Senior Assistant Attorneys General
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
Telephone: (503) 947-4700
Fax: (503) 947-4791
Email: James.S.Smith@doj.state.or.us
Shannon.M.Vincent@doj.state.or.us

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHALE WRIGHT a/k/a MICHELLE
WRIGHT,

Plaintiff,

v.

COLETTE S. PETERS, Director, Oregon
Department of Corrections, in her official
capacity; STEVEN SHELTON, M.D., Chief
Medical Officer, Oregon Department of
Corrections, in his individual and official
capacities; JANA RUSSELL, Administrator,
Behavioral Health Services, Oregon
Department of Corrections, in her individual
and official capacities; LORI VANCLEAVE,
M.A., QMPH Behavioral Health Services,
Oregon Department of Corrections, in her
individual and official capacities; DARCI JO
JENNINGS, LCSW, QMPH Behavioral
Health Services, Oregon Department of
Corrections, in her individual and official
capacities; GARTH GULICK, M.D., Medical
Services, Oregon Department of Corrections,
in his individual and official capacities,

Defendants.

Case No. 6:16-cv-01998-MC

DECLARATION OF STEVE SHELTON IN
SUPPORT OF DEFENDANTS SHELTON,
RUSSELL, GULICK, VANCLEAVE AND
JENNINGS' MOTION FOR PARTIAL
SUMMARY JUDGMENT BASED ON
QUALIFIED IMMUNITY

I, Steve Shelton, M.D., declare:

1. I am a licensed doctor in Oregon, having been licensed continually to practice since October 10, 1983. I have worked as a physician with inmates since 1983, and was the Clinical Director for the Oregon Department of Corrections (“ODOC”) from January 1993 to May 1, 2017. I make this declaration in support of Defendants Shelton, Russell, Gulick, VanCleave and Jennings’ Motion for Partial Summary Judgment Based on Qualified Immunity.

2. Plaintiff Wright is an inmate in the custody of ODOC, and is a male to female transgender. She entered the prison system in the fall of 2013 and has been housed at several different facilities. She is currently housed at the Oregon State Penitentiary Mental Health Infirmary (“OSP/MHI”).

3. Attached to this Declaration as Ex. 1 is the most recent version of the World Professional Association for Transgender Health Standards of Care (“WPATH”).

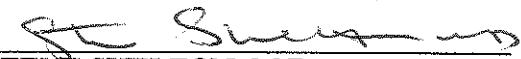
4. Plaintiff Wright was diagnosed with Gender Dysphoria January 4, 2015. At the same time, Wright was being treated for other significant mental health issues, including Borderline Personality Disorder.

5. Treatment decisions concerning hormones and sexual reassignment surgery for transgender inmates are made by the Gender Non-conforming Committee (“GNC”). QMPHs and treatment doctors at the various ODOC institutions do not have authority to make treatment decisions concerning the initiation of hormone therapy or gender reassignment surgery, and did not make such treatment decisions for inmate Wright. In the individual case of inmate Wright, GNC was aware of her desire and demands for hormone treatment, but decided not to treat with hormones when the initial diagnosis of gender dysphoria was made, because hormones have irreversible impacts and can have unintended consequences. Instead, Wright was first provided with commonly accepted reversible, non-invasive treatments such as feminine clothing, cosmetics and support therapy, which often serve to decrease dysphoria symptoms. Efforts were

made to stabilize Wright's other mental health conditions. In November of 2017, the decision was made to refer inmate Wright out for an independent community doctor's opinion. The independent doctor recommended that inmate Wright could be treated with hormones without negative impact on her other mental health issues, and hormone therapy began for Wright December 22, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on May 17, 2017.


STEVE SHELTON, M.D.